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JOEL & JOEL, LLP

# Fax

To: EXAMINER Alexander R. From: RICHARD A. JOEL, ESQ. (Reg. No. 22212)

Fax: 703-872-9306 Pages: 8

Phone: Date: 7/14/05

Re: SN: 10/708,472 (VERTICAL GRILL  
RACK)

ATTY DOCKET NO: P04-265-BAT

☐ Urgent

☒ For Review

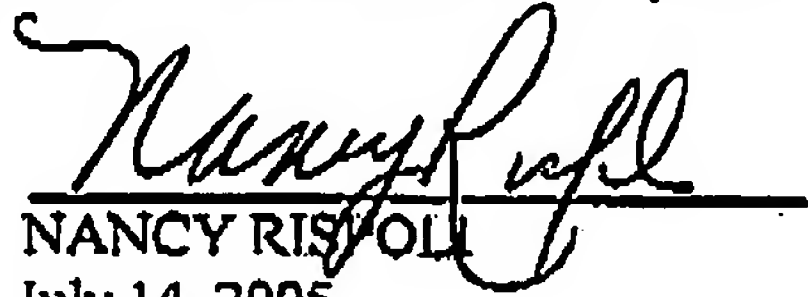
☒ Please Comment

☒ Please Reply

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• Comments:

Attached please find reply to communication of 7/8/05. Kindly submit same accordingly. Thank you

IN RE APPLICATION OF	
JOHN BATTAGLIA & JAMES D'AMATO	
SERIAL NUMBER	FILED
10/708,472	5/27/04
FOR	
VERTICAL GRILL RACK	
GRP. ART UNIT	EXAMINER
1761	ALEXANDER, R
CERTIFICATE OF MAILING	
ATTORNEY DCKET NO. PM-265-BAT	
<p>I hereby certify that the <b>REPLY TO THE COMMUNICATION OF July 8, 2005; notice of non-compliant amendment; claims; notice requiring excess claim fee; credit card form</b> are being facsimile transmitted to the <b>PATENT AND TRADEMARK OFFICE (Fax No.: 703-872-9306) July 14, 2005</b></p> <p> NANCY RISVOLD July 14, 2005</p>	



UNITED STATES PATENT AND TRADEMARK OFFICE

10/708472

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1400  
ALEXANDRIA, VA 22313-1400  
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### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 7/1/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Strike-through should be used to delete more than 5 consecutive characters; For 5 or fewer consecutive characters, double brackets should be used
- For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pat/dump/online/notice/notice121.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendible.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Veronica Augburn 571.272.0988  
Legal Instruments Examiner (EIS) Telephone No.

07/15/2005 MBINAS 00000024 10700472  
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